

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 7057

August 20, 2023

SUMMARY OF BILL: Creates a pilot program that authorizes a court to retain jurisdiction over a juvenile offender found delinquent until their 25th birthday if best suited for the child's treatment, rehabilitation, and welfare.

Authorizes the court to impose a sentence upon the child that could be imposed if the offense was committed by an adult. Prohibits the court from committing a child participating in the pilot program to the Department of Children's Services (DCS) or placing the offender on probation under the supervision of DCS. Requires any portion of the disposition imposed that extends prior to the child's 25th birthday to be stayed pending completion of requirements set forth by the court at the time of disposition.

Requires the pilot program be implemented in a county in which an authorizing resolution is approved by two-thirds majority of the county legislative body, and be paid for by local or grant funding.

Requires each county that approves the pilot program to submit an annual report to the Chairs of the Senate Judiciary Committee and the Criminal Justice Committee of the House of Representatives detailing outlined information regarding the program.

FISCAL IMPACT:

Other Fiscal Impact – Due to multiple unknown factors, the extent and timing of any permissive increase in local expenditures or decrease in state incarceration expenditures cannot reasonably be determined.

Assumptions:

- Pursuant to Tenn. Code Ann. § 37-1-134(d), a juvenile court has jurisdiction over offenses alleged to have been committed prior to a person's 18th birthday.
- Pursuant to Tenn. Code Ann. § 37-1-102(b)(5), a person under 19 years of age is authorized to remain under the continuing jurisdiction of the juvenile court for limited purposes.
- The proposed legislation authorizes adult sentences to be imposed on juveniles and suspended until their 25th birthday, pending the completion of the pilot program. Further, the proposed legislation authorizes a juvenile court to retain jurisdiction over a juvenile offender while participating in the pilot program.

- It is possible that the proposed legislation will lead to a decrease in state incarceration expenditures associated with offenders participating in the pilot program.
- Any county that approves the pilot program's creation by at least a two-thirds majority of its county legislation body may have a permissive recurring increase in local expenditures; however, the extent of any decrease in state expenditures or increase in local expenditures will be dependent upon the number of participants a court orders to participate in a pilot program, where the child is placed while participating in the pilot program, and the availability of grant funding to local governments.
- Due to multiple unknown factors, the extent and timing of any permissive increase in local expenditures or decrease in states expenditures cannot reasonably be determined.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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